

BEFORE THE  
ILLINOIS COMMERCE COMMISSION

COUNTIES OF SOUTHERN ILLINOIS	)	
	)	
Petition for authority to operate	)	DOCKET NO.
a Regional Next Generation 911	)	12-0094
Pilot Project System.	)	

Wednesday, February 6, 2013

Springfield, Illinois

Met, pursuant to notice, at 9:30 a.m.

BEFORE :

JAN VON QUALEN &amp; JOHN ALBERS, ALJS

APPEARANCES:

JOHN KELLY  
1804 N. Naper Blvd.  
Suite 350  
Naperville, Illinois 60563

(Appearing on behalf of  
Petitioner via teleconference.)

L.A. COURT REPORTERS, LLC, by  
Laurel Patkes, Reporter  
CSR #084-001340

1 APPEARANCES: (CONT'D.)

2 RICK HIRD

842 Louisiana Street

3 Lawrence, Kansas 66044

4 (Appearing on behalf of NG-911,  
Inc. via teleconference.)

5

NANCY HERTEL

6 225 W. Randolph St.

Chicago, Illinois 60606

7

(Appearing on behalf of AT&T  
Illinois via teleconference.)

8

9 KAREN BOSWELL

104 W. Mulberry St.

10 Normal, Illinois 61761

11 (Appearing on behalf of Frontier  
Communications via  
12 teleconference.)

13 KELLY ARMSTRONG

MEGAN McNEILL

14 MATTHEW HARVEY

160 N. LaSalle

15 Suite C-800

Chicago, Illinois 60601

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(Appearing on behalf of staff of  
17 the Illinois Commerce Commission  
via teleconference.)

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I N D E X

WITNESSES

DIRECT

CROSS

None

EXHIBITS

None.

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PROCEEDINGS

JUDGE ALBERS: By the authority vested in me by the Illinois Commerce Commission, I now call Docket No. 12-0094. This docket was initiated by the Counties of Southern Illinois and seeks authority to operate a regional next generation 911 pilot project system.

May I have the appearances for the record, please?

MR. KELLY: On behalf of CSI, Attorney John Kelly from Naperville, Illinois appearing on the telephone.

MR. HIRD: And this is Richard W. Hird, 842 Louisiana, Lawrence, Kansas 66044, counsel for NG-911, Inc.

Also appearing with me are Michael Ramsey, CEO and president of the company, and Bart Lovett, the project manager.

MS. ARMSTRONG: Appearing on behalf of the staff of the Illinois Commerce Commission, Kelly Armstrong and Megan McNeill, 160 North LaSalle Street Suite C-800 Chicago, Illinois.

1 MS. HERTEL: Appearing on behalf of AT&T  
2 Illinois, Nancy Hertel, 225 West Randolph, Chicago,  
3 Illinois 60606.

4 MS. BOSWELL: Appearing on behalf of Frontier  
5 Communications, Karen Boswell, 104 West Mulberry  
6 Street, Normal, Illinois 61761.

7 JUDGE ALBERS: Are there any others wishing to  
8 enter an appearance?

9 MR. HARVEY: For the staff of the Illinois  
10 Commerce Commission, Your Honor, Matthew L. Harvey,  
11 160 North LaSalle Street, Suite C-800, Chicago,  
12 Illinois 60601.

13 JUDGE ALBERS: Any others?

14 Let the record show no response.

15 The only preliminary matter I want to  
16 mention today is that we need to be done by  
17 10 o'clock because we're going to lose our court  
18 reporter then but I think we can take care of  
19 everything in the next 25 minutes or so.

20 As noted in the ruling that we sent  
21 out yesterday afternoon, we asked the parties to come  
22 prepared this morning to discuss a proposal on how to

1 move forward given that we've spent a year not doing  
2 much of that, so if anyone would like to begin,  
3 please jump right in.

4 MR. KELLY: Your Honor, on behalf of CSI,  
5 obviously getting that order at 4 o'clock yesterday  
6 afternoon didn't give us a lot of time to come up  
7 with a grand plan to move this thing along.

8 We did have a chance to discuss, and  
9 what we would ask and what we think is best is,  
10 number one, and I understand that we've said this  
11 before and you may be tired of hearing it but we are  
12 working on the contract with NG-911 and believe that  
13 that contract will be adopted by at least some of our  
14 members by March 1st. We actually have a contract.  
15 It is now going out to the boards to be adopted.

16 Additionally, what we would like to do  
17 is we would like to have a chance to talk with staff  
18 offline, it could be a phone conference or whatever,  
19 to discuss what their vision is and what our vision  
20 is for the pilot plan and moving it forward, and we'd  
21 like to do that sometime within the next couple weeks  
22 and then have a further status date somewhere near

1 the beginning of March, depending on the court's  
2 availability, to advise you of our discussions and  
3 hopefully have filed a contract with NG-911 and then  
4 move forward.

5 JUDGE ALBERS: Anybody have any comments on  
6 that?

7 MR. HIRD: Your Honor, this is Rick Hird on  
8 behalf of NG-911, Inc.

9 I would concur with what Mr. Kelly  
10 said. I think we are very close on the contract but  
11 we have some alternative ideas that we would like to  
12 discuss with staff informally, not necessarily on the  
13 record, but I think we've come up with some ideas on  
14 how we can effectively move this forward I believe.

15 JUDGE ALBERS: All right. Anyone else?

16 MR. HARVEY: Well, Your Honor, speaking for  
17 staff, this is Matt Harvey, we appreciate these  
18 overtures. That having been said, we are not the  
19 only parties to this proceeding. If there are going  
20 to be discussions, you know, I would certainly be  
21 somewhat uneasy about excluding other parties.

22 MR. KELLY: I don't think it's our intention to

1     exclude anybody.

2             MS. HERTEL:   Nancy Hertel for AT&T Illinois.

3                     By way of clarification, Matt, are you  
4     suggesting then that if there were discussions, it  
5     would be a conference call, and all parties would be  
6     invited to attend or something like that because of  
7     the ex parte rule?

8             MR. HARVEY:   This is Matt Harvey.

9                     Am I fielding that?

10            MS. HERTEL:   Oh, I'm sorry.   Yes.   I was  
11     addressing that to you Matt Harvey.   I was wondering  
12     what kind of -- you said, you know, there were other  
13     parties, and I wondered whether you intended to  
14     include the other parties, how exactly.

15            MR. HARVEY:   I hadn't given that any thought,  
16     Nancy.   My thinking was that any discussions we would  
17     have I guess would, you know, be however -- well,  
18     let's put it this way.   It's sort of CSI's meeting,  
19     so I don't presume to tell them how they want to  
20     conduct it.   It just was my concern that all parties  
21     be there.

22            MR. HERTEL:   Okay.   Thank you.



1           MR. HARVEY: I'm sorry. That's a measly  
2 answer.

3           JUDGE ALBERS: Does anyone else want to weigh  
4 in on this before I talk to my co-ALJ?

5           MS. McNEILL: This is Megan McNeill for staff,  
6 and I guess I just wanted to ask Mr. Kelly maybe what  
7 he perceives happening in this meeting with staff and  
8 the other parties.

9                       Do you foresee us discussing another  
10 supplemental filing by CSI? I guess we'd just maybe  
11 like to know what we're going to be talking about.

12           MR. KELLY: Well, due to the fact that the  
13 judge's order from yesterday posed four very specific  
14 issues, I think it would be our intent to address how  
15 to respond to those issues with staff, and as  
16 Mr. Hird said, we've working on some alternative  
17 approaches to moving this docket along, and we'd like  
18 to discuss those with you before we would actually  
19 propose them on the record.

20           MS. McNEILL: Okay. Thank you for that.

21           JUDGE ALBERS: All right. Well, we'll go off  
22 the record for a moment here, and Jan Von Qualen and

1 I will confer.

2 (Whereupon an off-the-record  
3 discussion transpired at this  
4 time between Judges Albers and  
5 Von Qualen.)

6 JUDGE ALBERS: Back on the record.

7 Well, we would suggest that the  
8 parties go ahead and have their discussions, try to  
9 get the contract before as many of the systems as  
10 possible, and we meet again on March 6th at 9:30 to  
11 see where things stand.

12 Does that date and time pose a  
13 conflict for anyone?

14 MR. KELLY: Your Honor, John Kelly on behalf of  
15 CSI.

16 I do have a conflict on the morning of  
17 March 6th. I would be okay in the afternoon, but I  
18 do have a previously scheduled 8 o'clock that I won't  
19 be out of by 9:30.

20 MR. HARVEY: One other thing, Your Honor.  
21 Staff does have some additional discovery that we had  
22 discussed in anticipation of your order directing us

1 to I guess get the lead out so to speak, and  
2 following the interest of saving some, you know, sort  
3 of probably in the interest of multi-tasking in this  
4 case, we would ask leave to go ahead and issue that.

5 MR. KELLY: Issue what?

6 MR. HARVEY: Additional discovery.

7 MR. HERTEL: Your Honor, this is Nancy Hertel  
8 from AT&T Illinois.

9 We hadn't thought of doing some fairly  
10 limited additional discovery. Our discovery would  
11 have been on some of the materials, the Edison  
12 materials that were being made by CSI, so I don't  
13 envision, since it's not admitted, you know, since  
14 it's denied at the moment, I'm not sure we're in a  
15 position to do discovery, but we would at least like  
16 to alert the ALJs to the fact that, you know, should  
17 that be material that they're going to introduce, we  
18 would have some discovery that we would want to do,  
19 fairly limited.

20 JUDGE ALBERS: We're not trying to control  
21 discovery. If there's questions that staff or others  
22 want to pose to CSI, please go ahead and do so.

1                   But as far as Wednesday morning, how  
2   about 1 o'clock on Wednesday, March 6th?

3           MS. MCNEILL: Your Honor, this is Megan McNeill  
4   for staff. I have another status at 1 o'clock.  
5   Could we do 1:30?

6           JUDGE ALBERS: That's fine with us.

7           MR. HIRD: This is Rick Hird, counsel for  
8   NG-911, Inc.

9                   1:30 on March 6th works fine for us.

10          MR. KELLY: John Kelly on behalf of CSI.

11                   1:30 works fine for me, and I  
12   appreciate the indulgence.

13          JUDGE ALBERS: All right. Well, it sounds like  
14   1:30 on March 6th will work as a status hearing.

15                   Is there anything else for today?

16                   All right. Hearing nothing further, I  
17   wish you all luck, and we'll continue this to  
18   March 6th at 1:30.

19                               (Whereupon the hearing was  
20                               continued to March 6, 2013 at  
21                               1:30 p.m.)

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